55TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 1521.

ARMAND ROMAIN v. ADOLPH MEYER.

JUNE 6, 1898.—Ordered to be printed.

Mr. OLMSTED, from the Committee on Elections No. 2, submitted the following

REPORT.

[To accompany House Res. No. 313.]

The contested-election case of Armand Romain *v.* Adolph Meyer, from the First Congressional district of the State of Louisiana, having been referred to the Committee on Elections No. 2, the said committee having carefully considered the printed records in the case and the oral arguments and printed briefs of counsel, respectfully submit the following report:

The First Congressional district of Louisiana comprises the Third, Fourth, Fifth, Seventh, Eighth, Ninth, and Fifteenth wards of the parish of Orleans, embracing the city of New Orleans and the counties or parishes of St. Bernard and Plaquemines.

The statute of Louisiana under which the Congressional election of 1896 was held provides for the use of an official ballot printed by the State. The official ballot used at that election contained the names of four sets of Presidential electors, namely, those of the "Democratic-People's" party, "Republican National" party, "Republican" party, and "Democratic Gold" party (nomination papers). Immediately below the names of the electors there appeared upon said ballot the following:

Representative 55th Congress—1st Congressional district. Joseph Gazin, of Orleans Parish, People's Party. (Nom. paper.)
A. E. Livaudais, of Plaquemine Parish, Republican.
Adolph Meyer, of Orleans Parish, Democrat.
Armand G. Romain, Orleans, Republican, Independent. (Nom. paper.)

——— Parish.

From the election returns, as certified, it appears that votes were cast for the respective Congressional candidates as follows:

Gazin	113
Livaudais	401
Meyer	10,776
Romain	4,022
Scattering	6

Adolph Meyer, having received an apparent plurality of 6,754 votes over the next highest candidate, was returned as elected, and, by virtue of such return, now holds a seat in this House.

In due time Mr. Romain served upon Mr. Meyer a somewhat voluminous notice of contest, claiming that he (the contestant) "received a majority of the votes cast," and setting forth somewhat generally, and not with such particularity as might be desired, the reasons upon which his claim is based.

The contestant's first serious complaint is that he was not personally permitted representation at the polls in the parish of Orleans. The law upon that subject is found in the twelfth section of the Louisiana statute of July 9, 1896, entitled "An act to preserve the purity of the ballot," etc., which section reads as follows:

SEC. 12. *Be it further enacted, etc.,* That in the parish of Orleans it shall be the duty of the board of supervisors, at least thirty days prior to any election, to appoint six commissioners and two clerks to preside over the election at each polling precinct. Said commissioners shall be qualified voters in the ward of which such polling precinct forms a part, and shall be appointed from lists to contain not less than six names, *furnished by each of the several political parties and nominating bodies.* The commissioners shall be so apportioned as to equally represent all of the political parties or nominating bodies authorized under this act to make nominations, in so far as practicable.

It is proper at the outset to consider whether Mr. Romain was the candidate of a political party or nominating body entitled to representation under the foregoing provision.

The same statute of 1896 provides, in its forty-eighth, forty-ninth, and fiftieth sections, how candidates shall be nominated, thus:

SEC. 48. Any convention of delegates and any nominating body, and any caucus or meeting of qualified voters as hereinafter defined, and individual voters to the number and in the manner herein specified, may nominate candidates for public office, whose names shall be placed upon the ballots to be furnished as hereinafter provided.

SEC. 49. Any convention of delegates representing a political party or other nominating body which at the general election next preceding the holding of such convention polled at least ten per cent of the entire vote cast in the election district for which said convention is held, or any convention of delegates who have been selected in caucuses called and held in accordance with the provisions of this act, and any caucus so called and held in any such electoral district or division, may, for the State, or for the district or division for which the convention or caucus is held, as the case may be, by causing a certificate of nomination to be duly filed, making therein one such nomination for each office to be filled at the election. Every such certificate of nomination shall state such facts as may be hereinafter required for its acceptance, shall be signed by the presiding officer and by the secretary of the convention or caucus, who shall add thereto their places of residence, and shall add thereto their affidavit that the affiants were such officers and that said certificate is true to the best of their knowledge and belief.

SEC. 50. Nominations of candidates for electoral districts of the State, or for municipal or for parish or ward offices, may be made by nomination papers, signed for each candidate by qualified voters of such district or division, to the number of at least one thousand for any officers to be voted for by the electors of the State at large; one hundred for parish or municipal officers, members of the legislature or Congress, and twenty-five for ward officers.

Mr. Livaudais was duly nominated by a convention of delegates representing the Republican party. Mr. Romain was not nominated by "any convention of delegates representing a political party or other nominating body which, at the general election next preceding the holding of such convention, polled at least 10 per cent of the entire vote cast," nor by any other caucus or body entitled to make and certify a nomination in the manner provided in section 49. He was nominated by "individual voters," as specified in section 48, to the num of 100, by means of "nomination papers," agreeably to the provisions of section 50. In these nomination papers he was styled the candidate

of the "Independent Republican" party, a party which had not polled 10 per cent of the vote at the last election, and was therefore not a nominating body entitled to be represented by a convention of delegates for the purpose of making nominations under section 49. Did these "individual voters," each signing for himself, and by himself, and representing nobody but himself, constitute a nominating body entitled to representation at the polling precincts under the provisions of section 12?

It would seem to your committee that this question must be answered in the negative. But if for the purpose of the argument it be conceded that these 100 individual citizens did constitute a nominating body, then it is important to consider that that body did not furnish to the board of supervisors, as required by section 12, a list of names from which to select commissioners to represent that nominating body. The record (p. 158) shows a "list of citizens of Republican faith, submitted by Hon. Armand Romain, as persons to be selected as Republican commissioners of election at the general election on November 3, 1896." The statute does not authorize each candidate to be represented nor to submit names from which selections are to be made, but distinctly requires that the list shall be "furnished by each of the several political parties and nominating bodies." The "nominating body," if it may be so called, which placed Mr. Romain in nomination, did not submit any list of names whatever nor claim representation in the appointment of election commissioners, nor did said body authorize Mr. Romain to submit any list on its behalf.

Furthermore, it will be noted that the list submitted by Mr. Romain was of citizens of "Republican faith" and to be selected as "Republican commissioners." Mr. Livaudais was at that time the candidate of the Republican party. Mr. Romain had no authority to represent it in any way, having been nominated as an Independent Republican in opposition to Mr. Livaudais, the regular Republican candidate. It is true that after the submission of this list by Mr. Romain, and before the selection of the election commissioners, Mr. Livaudais had practically retired from the field as a candidate, although he does not seem to have officially withdrawn as provided by the election statute in section 57, otherwise his name would not have been printed on the official ballot, but that fact did not, and could not, change the status of Mr. Romain's claim to representation. As already stated, the act did not confer the right of representation upon each candidate, but only upon "each of the several political parties and nominating bodies." Candidates for other offices were as much interested in the election and in the selection of election officers as were the candidates for Congress.

Thomas A. Cage, as chairman of the executive committee of the Republican party, submitted to the board of supervisors a list of names as required by section 12. After the practical withdrawal of Mr. Livaudais the real contest was whether the executive committee or the candidate nominated by the Independent Republicans, but to whom the regularly nominated Republican candidate had given way, should be considered as representing the Republican party. The board of supervisors made their selections of Republican commissioners from the list submitted by Mr. Cage, and not from the list submitted by Mr. Romain. Your committee is unable to find that Mr. Romain was personally entitled to submit lists of commissioners, or that the board of supervisors committed any fraudulent or illegal act in recognizing the executive committee as the proper representative of the Republican party for the purpose of submitting such lists.

It is further objected by contestant that some of these election commissioners were not selected as long as thirty days prior to the election, as required by the statute. The evidence shows that most of them were so appointed. But it is true that, owing to some omissions in Mr. Cage's original list, a supplemental list had to be furnished, causing some little delay, and a comparatively small number of the commissioners were appointed within thirty days of the election. Delay in appointing commissioners or inspectors does not vitiate an election held by them, otherwise it would be in the power of the board of supervisors to defeat every election by delaying such appointments. "Mandamus will lie to compel the appointment after the time designated, which appointments, when made, will be as valid as if made at the proper time." (McCreary on Elections, 253.) There is no evidence that the delay in the appointment of the inspectors was the result of any fraudulent intent or purpose, nor that contestant was injured thereby.

The same statute of July 9, 1896, in its fortieth section, provides for the reprecincting of the city of New Orleans, said section being as follows:

SEC. 40. *Be it further enacted, etc.,* That the city government of New Orleans shall by ordinance divide the said city into election precincts within the different wards, and for that purpose, by ordinance, to arrange the boundaries of the ward as may be deemed convenient for the purpose of establishing the election precincts which, when established, shall be the boundaries of the wards; each of said precincts to be composed of contiguous squares and each precinct to be so arranged as to contain not more than 200 voters, as nearly as practicable, as shown in the next preceding registration; they shall establish one polling place only in each precinct, and shall establish precincts in each ward, and shall cause to be published an accurate description of the ward boundaries and election precincts above referred to within ten days before any election; they shall, by publication in three daily newspapers, give notice of the location of the polling places in each precinct, which polling places shall be as nearly as possible in the center of the precinct; the boundaries and precincts to be fixed as above not to be changed within three months prior to any general election.

This statute passed July 9, 1896, was promulgated July 25, 1896, and, under the provisions of the civil code of the State, became operative twenty days thereafter.

The time necessarily required for the arrangement of these precincts and the passage of the ordinance was so great that it was not fully accomplished until about one month prior to the election of 1896. A large number of additional precincts were thus made and many polling places were changed. Contestant's counsel, in argument, contended that this reprecincting, having been made within less than three months of the election, was in violation of the statute and must be presumed to have been done with fraudulent intent. No such charge, however, is made in the notice of contest, and in any event the objection is not well taken.

The multiplication of precincts is an important means of securing freedom of elections and providing against fraud. (McCreary, 639–641.) The purpose of the statute was a good one. It required immediate reorganization of the voting precincts of the city, so that not more than 200 voters should be required to vote at one place, and the three months' limit clearly did not apply to the passage of the first ordinance upon the subject, but only to "the boundaries and precincts to be fixed as above;" that is to say, it provided that when boundaries and precincts had been determined in accordance with the act, they should not *thereafter* be changed within three months of any general election.

The statute made radical changes in the election laws of the State. It required that in cities the polls should close at 4 o'clock, and that the

count should be made immediately. This of itself made it important that not more than 200 persons should be required to vote at one poll. The act, in its every provision, indicates the legislative intent that the election in November, 1896, should be held in accordance with its provisions. In order to accomplish this, it was absolutely necessary to reprecinct the city. Section 12 required the city government to arrange precincts so as not to contain more than 200 voters in any one precinct, and "cause to be published an accurate description of the ward boundaries and election precincts above referred to within ten days before *any* election." Section 5 distinctly required the election for Representatives in Congress to be held on the first Tuesday following the first Monday in November, 1896. Section 80 repealed "all laws or parts of laws contrary to or in conflict with this act." If the city had *not* been redistricted it might well be held that the election of 1896 had been held in violation of the requirements of the statute.

Some inconvenience was doubtless caused by the redistricting of all the wards in the city and the multiplication of election precincts, and a few voters may have failed to deposit their ballots on that account. There is no evidence, however, from which we can determine the number, nor is there any evidence that in this regard the supporters of the contestant fared worse than those of the contestee, or that the result would have been in any way changed had every vote been cast.

The election statute, in its sixty-eighth section, requires that there shall be provided for each voting place two sets of ballots, each set containing not less than 100 for every 50 and fraction of 50 registered voters. These ballots are required to be printed by, or under the supervision of, the secretary of state, who is by section 70 required to send two sets "to the board of supervisors of the several cities or parishes so as to be received by them twenty-four hours, at least, previous to the day of election. The same shall be sent in sealed packages, with marks on the outside clearly designating the polling place for which they are intended."

Section 71 requires that the board of supervisors shall "send to the commissioners of each voting place, before the opening of the polls on the day of the election, cards of instruction, tally sheets, blank forms, and one set of ballots, sealed and marked by the secretary of state, for such voting place." Contestant claims that some of the packages of ballots were not properly sealed, and that many of them were delivered to the election commissioners before the day of the election. The election was held on Tuesday. Mr. Gleason, one of the board of supervisors for the city of New Orleans, testified that the official ballots were delivered to that board on the preceding Friday. The bundle containing them "was wrapped around, and then there was a label around both ends of it with the number of the precinct and the ward." The supervisors, however, contended that that was not a sufficient sealing, and Mr. Gleason says: "We objected to receive them in that condition. They subsequently sealed them, in accordance with our demands." That was the first set of ballots. The duplicate set, which was required also to be furnished to the supervisors, was delivered to them on Sunday. As to them the witness said: "The second set of ballots were sealed before they were brought to us."

There were 383 precincts in the parish of Orleans, and the ballots for these precincts were delivered by the supervisors on Sunday to the civil sheriff to be by him delivered at the various polling places. Supervisor Gleason testified that the ballots and the tally sheets, etc., which were required to be sent with them made two or three wagonloads. "He

(the sheriff) sent a man that he had good confidence in on the wagon. We had two men on guard—one at the entrance and one on the wagon—to see that there was nothing tampered with until we had our receipts for them." The receipts mentioned were those which the commissioners of election were required to give to the supervisors upon the reception of the ballots. (Record, pp. 117–118.) The ballots were kept by the sheriff under lock and key over Sunday night, and on Monday were delivered by him to his deputies, and by them delivered at the various polling places. This delivery consumed "Monday all day; it was hard work; it was a hard task to attend to." (Record, pp. 150–152.)

It is, perhaps, a strained construction of the statute which requires the ballots to be delivered at the polling places on, and not before, the day of election. The language is: "Before the time fixed herein for the opening of the polls on the day of any election." As the polls were required to be opened at 6 o'clock in the morning, the delivery of the ballots at the polling places throughout the entire city of New Orleans at so early an hour would have been inconvenient, if not impossible, and had they not been on hand at any polling place promptly many voters might have been deprived of the opportunity of voting.

The statute also required the Secretary of State to prepare cards of instruction to be printed for the "guidance of the voters as to obtaining ballots, the manner of marking them, the method of gaining assistance and obtaining new ballots in place of those accidentally spoiled, etc.," which cards of instruction were also required to be sent out with the ballots, and not less than three to be posted in or about the polling room, outside the guard rail.

A number of contestant's witnesses testified that at their respective polling places they did not remember to have seen any such cards posted. Some of contestee's witnesses testified that they did see such cards posted. The supervisors testified that in every instance such cards were sent to the commissioners of election with the official ballots. It is possible to believe, from the evidence, that at some of the polling places the cards of instruction were not posted. But, in the absence of any evidence that by reason of the delivery of the official ballots on Monday or the failure to post cards of instruction at some of the polling places, any votes were lost to contestant, or the result of the election in any way affected, your committee is unable to find that the existence of either, or both, of these facts tends to establish the election of Mr. Romain, or that there was no valid election.

The form of the official ballot was lawfully published in the newspapers; and some of the parties, for the purpose of educating the voters as to how they were to be used, had sample, or, as they were called, "educational ballots" printed, which, while not being exactly like the official ballots, were sufficiently nearly so to admit of the use for which they were intended. At the bottom of these "educational ballots" there was printed the words: "You can not vote with this ticket, as it is not an official ballot." Several witnesses testified to seeing, prior to the election, what they considered to be official ballots. From the evidence, however, it is impossible to determine clearly whether, with a single exception, these witnesses did, any of them, see copies of the official ballot printed by the secretary of state, or whether what they supposed to be such ballot was merely the so-called educational ballot. The single exception was in the case of the contestant himself, who testified that a week or so before the election he saw an official ballot, and obtained possession of it. He did not, however, make any improper use of it, but kept possession of it until he rendered his testimony in the pending case,

when he produced it and filed it as an exhibit. He testified that he obtained it from a Democrat whose name he refused to give, but who told him that he had obtained it from a Democrat, whose name he also refused to divulge.

Section 42 of the statute, read in connection with section 44, makes it an offense punishable by fine or imprisonment for any person charged with the duty of compiling, making up, or printing the official ballot to permit any person not so engaged to have access to or give any information with regard to the said official ballot or the form thereof, except as provided in the act. In the absence of evidence that any official ballot, fraudulently or otherwise obtained prior to the day of election, was voted or attempted to be voted, it can not be held that the existence of such outstanding ballots in any way affected the result of the election.

Under the laws of Louisiana voters are not required to register for each election, but one registration is good as long as the voter remains in the voting precinct. Under the act of 1890 a new registration was made in 1891. When a person is registered, the registrar gives him a certificate to that effect. It follows that by reason of deaths, removals, etc., as well as by possible fraudulent registrations, there come in course of time to be a large number of registration certificates outstanding which do not entitle the person named therein to vote. Act 133 of 1880, in sections 13 and 14, provides for the purging of the registry lists by a joint canvass made by duly accredited and sworn representatives of opposing political parties. Prior to the April election of 1896 there was such a joint canvass, the fairness of which is not in dispute, as the the result of which 13,000 or 14,000 names were stricken from the registration books for the whole city of New Orleans.

The law requires the names agreed upon by the canvassers to be published for three days in the daily newspapers, and time is given the parties to show cause for correction, failing to show which their names were erased from the registry list. But there was no means of calling in the outstanding certificates. The names appearing in these certificates were omitted from the poll books, but it had been the practice that a person presenting a duly authenticated certificate of registration might, if his name were not found upon the poll book, make affidavit that he was the person named in the certificate, and thus become entitled to vote. For the ostensible purpose of preventing any fraudulently disposed person from voting upon these registration certificates outstanding in names stricken from the registration books, and, consequently, omitted from the poll books, the registrar of voters did, on the 3d day of November, 1896, being the day of election, prepare and send to the commissioners of some or all of the voting places in the city a printed notice, of which the following is a copy:

NOTICE TO COMMISSIONERS.

NEW ORLEANS, *November 3, 1896.*

No person should be permitted to vote unless he produces his registration certificate and his name is found on the poll book.

When a registration certificate is produced and the name is not on the poll book, the party should be referred to the registration office, where he can procure the proper certificate if entitled to vote.

This rule must be rigidly adhered to, otherwise the 14,000 names published and erased according to law prior to the last election could be voted on affidavits, as the certificates are still out.

The registration office will be open all day for this purpose and the issuance of duplicate registration certificates in case of those lost or mislaid, and for these purposes only.

Commissioners should carefully carry out the instructions issued by the secretary of the State, and the provisions contained in the extract from election laws compiled by his authority, which are furnished herewith for their guidance.

The board of supervisors of election will be in session at the registration office (corner Tulane avenue and South Franklin street) on election day to give any information needed.

Telephone 1545.

JERE M. GLEASON,
Registrar of Voters for the Parish of Orleans.

This notice, while apparently well intended, was not in harmony with sections 34 and 35 of the statute, which do confer jurisdiction upon a majority of the commissioners of election to receive the ballot of a person holding a registration certificate though his name do not appear upon the poll book, provided he make affidavit that it was omitted by mistake and establish his identity by the oaths of two other persons. Later in the day this error was discovered and acknowledged, and affidavits were, in proper cases, received. In the early part of the day, however, it may have been that a few persons whose names had inadvertently been omitted from the poll book and who did hold valid and subsisting registry certificates were refused permission to vote upon affidavit. It does appear from the testimony that in several wards a number of voters were refused permission to vote upon affidavits, but as to some of them it is plain that they were not entitled to vote at all in the respective precincts in which they offered their affidavits. They had overlooked the fact that in the redistricting of the city their voting precincts had been changed. Some, or all of them, afterwards found the proper precincts and voted. Many others who had been refused permission to vote upon affidavits went to the registration office in pursuance of the notice and obtained certificates showing that they were registered and entitled to vote, and did so vote. It is impossible, from the evidence, to ascertain what number of persons, if any, who were actually entitled to vote upon affidavits did finally fail to have their ballots received; nor, if any did so fail, how many of them intended to vote for contestant and how many for contestee; but it is apparent that the number could not, in any event, have been sufficient to make any difference in the result of the election.

Contestant claims that there was a conspiracy or plot to make these 13,000 or 14,000 registry certificates outstanding in names which had been erased from the registration books and omitted from the poll books the basis of illegal votes; that they were actually used as the basis of such illegal votes throughout the city of New Orleans; that as about one half of said city is in the First Congressional district, one-half of said votes, or 7,000, should be deducted from the vote returned as cast for Mr. Meyer, and that the aforesaid notice to commissioners of election not to receive affidavits was the first step in that fraudulent scheme. It is difficult to understand how instructions to the election commissioners not to receive affidavits at all can be construed as intended in aid of a device to use registry certificates, which could not be used in the absence of such affidavits. If the name of an intending voter appeared upon the poll book he did not need a registry certificate. If his name did not appear upon the poll book he could not vote upon a registry certificate unless accompanied by the proper affidavit.

The instructions to election officers can not therefore be considered as aiding, nor intended to aid, voting upon registry certificates based upon canceled registrations. There is not a scintilla of direct evidence that a single one of these obsolete registry certificates was used or

attempted to be used. In the absence of proof it is too much to ask your committee to hold that 14,000 of them were used; that for the purpose of using them 14,000 residents of the city of New Orleans perjured themselves by making false affidavits, without which the certificates could not have been used at all, and that each of said 14,000 perjurers had his identity established by the necessary oaths of two other persons. It is therefore impossible to allow contestant's claim in this regard. It is also to be noted that contestant's claim in regard to these 7,000 illegal votes does not appear in his notice of contest.

At poll 22, in the parish of Plaquemines, 120 votes were returned as cast for Mr. Meyer. Contestant produced a witness who testified that, "I took a list of the entire vote at this poll on election day, and there was 32 votes, one of whom got mad and returned his ticket to the commissioners as unvoted, leaving 31 votes." He produced a list of 32 voters. Upon cross-examination he admitted that he was absent nearly three hours. Neither the poll book nor the poll list was produced, and not one of the alleged voters, whose names did not appear among the 32, was called to testify whether he did or did not vote.

Contestant also claims that at fifteen different polling places in the city of New Orleans there were refused or "suppressed" an aggregate of 178 votes. The evidence is not clear that all of these intending voters were legally entitled to vote, but, for reasons which will hereinafter appear, it is not important to analyze it carefully.

Contestant also claims that in the Eighth Ward of Plaquemines 146 Republican ballots were improperly thrown out for the insufficient reason that they were not properly folded.

Contestant claims a majority of 690, arrived at in the manner set forth in the following table taken from his supplemental and final brief:

Total returned for contestee	10,776
Fraudulently used for contestee in city	7,000
	3,776
Impeached poll 22, Plaquemines	120
Total for contestee	3,656
Total returned for contestant	4,022
Total rejected for contestant in city	178
Total thrown out for contestant at Ward 8, Plaquemines	146
Total for contestant	4,346
Total for contestee	3,656
District majority of contestant	690

It will thus be seen that if all the other items claimed by contestant are allowed, his right to a seat in this House depends upon the assumption that 7,000 votes were illegally cast for Mr. Meyer in that portion of the city of New Orleans within the First Congressional district, based upon 7,000 registry certificates standing in names erased from the registration lists and omitted from the poll books, supported by 7,000 false affidavits, and that, too, in the face of positive instructions from the board of supervisors to the election officers not to receive affidavits, and, as already shown, in the absence of any proof whatever that a single registry certificate was improperly used or voted upon. As this item of 7,000 votes can not properly be deducted from the vote returned for Mr. Meyer, it follows that even if the other items claimed by contestant are allowed, contestee will still have a plurality of 6,310.

In the First Congressional district of Louisiana the white population

largely outnumbered the colored, and it is shown by contestant's witnesses that what is described as the Gibson faction of the colored people was working in harmony with the Democrats, or at least was not supporting Romain. The Republican party was, or had been, divided into a number of factions. and, notwithstanding the efforts at harmony, it is possible that the vote of Mr. Romain was somewhat lessened as the result of former factional differences.

This was not only the first election since the reprecincting of the city of New Orleans, but it was also the first election under the new ballot law, which provided an entirely different system of voting from that which had previously been in force and operation, and, naturally enough, there was some confusion, some misunderstanding, and in some instances failure to comply strictly with the provisions of the statute. Doubtless some votes were honestly lost to both parties. There is no evidence from which the number can be ascertained, nor from which it can be gathered that contestant suffered more than contestee. No complaint is made that the new ballot law is not intended to work fairly upon all classes of people—white or colored. There is in a few instances some evidence of irregularities, which may or may not have been intentional, affecting only a few votes not sufficiently proven, and in any event not sufficiently important, to be taken into consideration.

It is perhaps suspicious that in a district containing a population of 154,913 only 15,318 votes were returned as having been cast. This, however, makes it still further incredible that 7,000 were unauthorized because voted on fraudulent or obsolete registry certificates, as claimed by contestant. It has been intimated that the smallness of the vote in 1896 resulted from its unlawful suppression or discouragement in former years. But no proof has been offered upon that point.

If convinced of the correctness of the charges more or less generally set forth in the notice of contest, and directly charged in the briefs submitted by contestant, your committee would not hesitate to unseat the contestee, but might not even then be able to report in favor of seating the contestant.

The pages in the record cited in contestant's briefs are found, upon careful comparison, not to sustain the propositions in support of which the references are made, and, notwithstanding the suspicious smallness of the vote in the district, the evidence is insufficient to change the result of the election as heretofore officially declared, and without sufficient evidence it ought not to be changed.

Your committee therefore recommend the adoption of the following resolutions:

"*Resolved*, That Armand Romain was not elected to the Fifty-fifth Congress from the First Congressional district of the State of Louisiana and is not entitled to a seat therein.

"*Resolved*, That Adolph Meyer was elected to the Fifty-fifth Congress from the First Congressional district of the State of Louisiana and is entitled to a seat therein."

L. W. ROYSE.
FRANK G. CLARKE.
JNO. W. GAINES.
JAMES G. MAGUIRE.
J. M. ROBINSON.
JOSEPH M. BELFORD.
MARLIN E. OLMSTED.

O